

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MIAMI VALLEY FAIR HOUSING CENTER, INC., <i>et al.</i> ,	:	Case No. 3:08-cv-150
Plaintiffs,	:	District Judge Thomas M. Rose Magistrate Judge Michael J. Newman
 -vs-		
STEINER & ASSOCIATES, INC., <i>et al.</i> ,	:	
Defendants.	:	

**REPORT AND RECOMMENDATION¹ THAT THE JOINT, UNOPPOSED MOTION OF
CAREY ELECTRIC CO. AND M&L ELECTRIC, INC. (DOC. 487) BE GRANTED; AND
CAREY ELECTRIC CO.'S THIRD-PARTY CLAIMS AGAINST M&L ELECTRIC, INC.
BE DISMISSED WITH PREJUDICE**

On October 12, 2012, Third-Party Defendants Carey Electric Co. and M&L Electric, Inc. jointly moved to dismiss the third-party claims against M&L Electric, Inc. with prejudice. Doc. 487. Although the movants failed to advise the Court whether or not their motion was opposed by other parties to the case pursuant to Local Rule 7.3, no party has filed a response to their motion, and the time to do so has passed. Accordingly, the Court **RECOMMENDS** that:

- (1) The joint, unopposed motion of Third-Party Defendants Carey Electric Co. and M&L Electric, Inc. (doc. 487) be **GRANTED**; and
- (2) Carey Electric Co.'s third-party claims against M&L Electric, Inc. be **DISMISSED WITH PREJUDICE**; and

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

(3) M&L Electric, Inc. be **TERMINATED** as a party upon the docket of this case, and
the Clerk of Courts be directed to modify the docket sheet to reflect this dismissal.

November 6, 2012

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).